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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/495,492	02/01/2000	Charles Albin Hanson	UN16-B157/04M1093	4935

34225 7590 02/10/2003

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EXAMINER

ROBINSON, GRETA LEE

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 02/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/495,492

Applicant(s)

HANSON ET AL.

Examiner

Greta L. Robinson

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2177

Response to Amendment

1. Claims 1-28 are pending in the present application.
2. Claims 1, 25, 26 and 28 have been amended.
3. Swanson, Jawahar et al., Hogan et al. and Tsukahara et al. were cited as prior art in the last office action paper number seven.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: FIG. 27A, FIG. 27B and FIG. 27C. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "a plurality of selectable regions" [note claims 1, and 25] must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Art Unit: 2177

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

6. The drawings are objected to because descriptive textual labels are needed in figure 23 for elements 11, 13, 15, 18, and 113. See 37 CFR 1.84(p). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

7. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Regarding independent claims 13 and 27, Applicant uses the limitation “agent/messenger software”; but this element is unclear when reading the description and drawings. Note Applicant is not consistent with terminology in the disclosure. Note figure 1 element 117 in the drawings, this is labeled “agent/messenger”; but in the specification on page 6 line 24 it is described as “agent/messenger code module” a hardware element, page 8 line 9 refers to this element 117 as “messenger/agent”. Still other portions appear to refer to this element as just the messenger note page 21 lines 12-30. It is unclear as to whether the element 117 is

Art Unit: 2177

hardware or software. Also note figure 1 element 115, labeled "user interface script generation software", page 6 line 22 references this as "user interface software".

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 1-22 and 27-28 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant does not appear to describe the following limitation in the disclosure "at least a portion of the contents of said first of the data objects together with a display of a plurality of selectable regions, each of said regions representing a respective method executable on said first data object" [note claims 1-12 and 25]. There is no mention of regions in the specification and this limitation is not depicted in the drawings. Regarding claims 13-22 and 27-28 the limitation "agent/messenger software" does not appear to be described in the specification note figure 1 and the objection to the specification supra.

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

new matter
keep
also
spec
obj
6/2

Art Unit: 2177

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 1-12, 25 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the following limitation is vague and lacks proper antecedent basis: *O.I.C.*
“said device” [see claim 1 line 3, 7, and 12-13; also note claim 25 line 8 and 14].

Claims 2-12 are rejected based on dependency.

Regarding claim 26 the following limitation is unclear with respect to its base claims:
“wherein said user selection is achieved by a point and touch operation executed on the graphical *O.X.*
interface display” [note claim 26]. Note this limitation is noted in claim 23, the connection is unclear. Is claim 26 suppose to depend on claim 25?

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2177

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 23, 24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swanson US Patent 5,603,034 in view of Tsukahara et al. US Patent 6,169,991 and Hogan et al. US Patent 5,414,809.

Regarding claim 23, Swanson teaches “means for executing a sequence of transactions upon said display screen via visual point and touch interaction with said screen, each transaction of said sequence being based on the result of execution of a previous transaction and wherein at least one of said transactions is executed upon data stored across a plurality of remote storage locations [figure 9; Swanson teaches a graphical resource editor for selectively modifying graphical resources in software applications. The system permits user selection of a resource category object. A list of selectable resource category objects is taught. The graphical resource editor further includes a system responsive to user activation of the resource category selection

Art Unit: 2177

object for generating a list of resource descriptors corresponding to the selected category. The software system may be customized to perform functions statically or dynamically while the application is running note abstract]. Although Swanson teaches the invention as cited above, they do not teach a special device having a display screen. Tsukahara teaches a client device with a display screen [note (98) figure 18]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Tsukahara with Swanson because Tsukahara provides an alternate method of communicating with the network. Swanson and Tsukahara are silent as to a touch interaction with the screen. Swanson teaches a point and click operation. Hogan et al. teaches a touch screen method [see col. 3 lines 21 -32]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Hogan et al with Swanson because Hogan et al. depicts how alternate well known keyboarding methods may be implemented.

14. Regarding claim 24: wherein one of said transactions comprises user selection of a data object category, selection of such category resulting in display of a list of available data objects [Swanson abstract].

15. Regarding claim 26: wherein said user selection is achieved by a point and touch operation executed on the graphical interface display [Hogan col. 3 lines 21 -32].

Art Unit: 2177

Response to Arguments

16. In the response filed June 5, 2002 Applicant argued the following:

(1) Swanson does not teach a special device. Applicant's invention defines a special device as a cell phone, palm laptop, set-top, or car-based GPS system.

In response to Applicants argument, note Swanson teaches a communication with a client application 110 to be located at a remote cite or within the data processing system 10 [see: col. 5 lines 21-27 and 48-52; also see figure 1].

(2) The data objects of the present invention are different from the data objects of Swanson. Applicants data objects are defined as data to be retrieved and subjected to a method in a script. These objects may include data stored in different types of database systems or other data containers noting the specification at page 2 lines 13-15 and 26-27.

In response to Applicants argument, Swanson teaches data objects as noted on page 2 of the specification and as cited within the scope of the claims. The "*data object category*" of the present invention is equivalent to Swanson's "*resource category selection object*" see abstract, col. 3 lines 54-65, col. 10 lines 29-61. Note the limitation of objects being processed by a script is not in the claims.

(3) Swanson does not teach a point and touch operation.

In response to Applicants argument, Swanson does not specifically teach a point and touch operation; but rather a point and click process [col. 1 line 34-37]. Swanson does teach that

Art Unit: 2177

the user may specify commands such as through setting options through a customization process [see col. 9 lines 20-48]. Note new citation *supra* regarding point and touch operation.

In the response filed June 5, 2002 Applicant argued the following: Swanson does not teach a plurality of selectable regions. In response the prior art rejection has been dropped; but note new rejection under 35 USC 112 first and second paragraphs. Regarding claims 23, 24 and 26 Applicant also argued that Tsukahara does not teach a special device and that there is no motivation to combine Tsukahara with Swanson. In response, a special device is simply a cell phone or a palm pilot. Tsukahara was cited to show how an alternate device may be coupled to the network to access remote data. These type of devices that interface with a network are well known.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta Robinson whose telephone number is (703)308-7565. The examiner can normally be reached Monday through Friday from 9:30 AM to 6:00 PM.

If any attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached at (703)305-9790.

Art Unit: 2177

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703)746-7239, (for formal communications; please mark "EXPEDITED
PROCEDURE") **Or:** (703)746-5657, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand delivered responses should be brought to Crystal Park II, 2021 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be
directed to the Group receptionist whose telephone number is (703)305-9600.



GRETA ROBINSON
PRIMARY EXAMINER

Greta Robinson

Primary Examiner

February 6, 2003